

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

SANDRA BETTERS,

Plaintiff

vs.

**DECLARATION OF  
MEGHANN N. ROEHL**

NARDIN ACADEMY, MARSHA SULLIVAN,  
MICHAEL LAWLEY, FRANK EWING,  
LUKE JACOBS, CHARLIE CHIAMPOU,  
PATRICIA LORENC, KENT LORENCE and  
THERESE FORTON-BARNES,

Defendants

---

Civil Action No.:  
1:23-cv-00882

Meghann N. Roehl, Esq., pursuant to §1746 of Title 28 of the United States Code, under penalty of perjury under the laws of the United States of America, declares the following to be true and correct:

1. I am a member of the law firm of Roach, Brown, McCarthy & Gruber, P.C., attorneys for Defendant Therese Forton-Barnes (hereinafter “Ms. Forton-Barnes”) in the above captioned matter and am admitted before this Court.

2. I submit this Declaration in support of Defendant’s motion, made pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, for an Order dismissing Plaintiff’s Amended Complaint in its entirety and with prejudice, together with such other and further relief as is deemed necessary.

### **PROCEDURAL HISTORY**

3. Sandra Betters (hereinafter “Plaintiff”) commenced this action with the filing of a Complaint on August 24, 2023, against Nardin Academy (hereinafter “Nardin”); Marsha Sullivan; Michael Lawley; Frank Ewing; Luke Jacobs; Charlie Chiampou; Patricia Lorence; Kent Lorence; and Therese Forton-Barnes on August 24, 2023. [Docket #1].

4. On December 8, 2023, after facing a motion to dismiss and in an effort to remedy the pleading deficiencies identified by way of a motion to dismiss (Docket #47, 49 and 50), Plaintiff served an Amended Complaint. (Docket #58).

5. The allegations in the Amended Complaint allegedly arose out of the employment of Plaintiff as President of Nardin from July 2021 through July 2023. [Docket #58 ¶ 19].

6. Ms. Forton-Barnes, an alumna of Nardin, is named as a Defendant in a single cause of action wherein a claim for defamation is asserted. [Docket #58 ¶¶ 361–366]. Plaintiff alleges that this Court has supplemental jurisdiction of the claim against Mr. Lorence pursuant to 18 U.S.C. §1367(a). [Docket #58 ¶ 17].

### **STATEMENT OF FACTS**

7. By way of the Amended Complaint Plaintiff alleges that Defendants violated her rights under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.*; Section 1981 of the Civil Rights Act of 1866 (“Section 1981”), New York Not-for-Profit Law § 715-b *et seq.* (“NYNPL”), New York Labor Law § 740 *et seq.*, New York State Human Rights Law, N.Y. Exec. Law § 290 *et seq.* (“NYSHRL”) and the New York False Claims Act, Art. 13 of the NYS Finance Law (“NYFCA”). [Docket #58 ¶ 14].

8. Nardin is the oldest independent Catholic school in Western New York. Nardin is known for its academic excellence and commitment to forming female leaders.

9. Plaintiff became the President of Nardin in July 2021 and remained the President through July 2023. [Docket #58 ¶ 19].

10. Throughout her tenure, Plaintiff caused a divide between the members of the Nardin Community through her controversial management style. Nardin suffered from a loss of enrollment, withheld tuition payments from parents, and overall turmoil whilst Plaintiff was President. Her presidency became a daily topic in the local news cycle and was covered by all of the major news outlets. Copies of various news articles chronicling the controversy are attached hereto and made a part hereof as **Exhibit 1**.<sup>1</sup> Plaintiff even gave an interview to *The Buffalo News*, which was published on September 17, 2023, following commencement of this litigation.

---

<sup>1</sup> A chronological listing of various news stories are as follows:

Sommer, Mark. “Students Walk out of Nardin to Rally for Teachers Who Seek Leadership Change.” *The Buffalo News*, 13 Apr. 2023.

Sommer, Mark. “Nine Trustees Call for Nardin President, Board Chair to Resign.” *The Buffalo News*, 14 Apr. 2023.

Sommer, Mark. “Another Major Donor Calls for Leadership Change at Nardin Academy.” *The Buffalo News*, 15 Apr. 2023.

Sommer, Mark. “Gioia Foundation Is Latest to Pull Support from Nardin Pending Leadership Change.” *The Buffalo News*, 16 Apr. 2023.

Sommer, Mark. “Nardin Academy Statement from Board Chair, Other Leader Admonishes ‘Rogue’ Trustees.” *The Buffalo News*, 18 Apr. 2023.

Sommer, Mark. “Over 100 Nardin Families Delay Re-enrollment Decision Amid Leadership Strife.” *The Buffalo News*, 19 Apr. 2023.

Duke, Adam. “Nardin Students Hold Another Demonstration in Response to Leadership.” *WIVB.com*, 20 Apr. 2023.

Gallagher, Tommy. “Nardin Academy Students Protest School Leadership with ‘Walk-in.’” *WGRZ.com*, 20 Apr. 2023.

Sommer, Mark. “Nardin Teacher’s Removal Following Use of ‘Racially Charged Language’ Sparked Controversy.” *The Buffalo News*, 22 Apr. 2023.

Eure, Sydni. “No Teachers, No Students, No Nardin.”—Large Portion of Nardin Academy Community Demand Change in Leadership.” *WKBW.com*, 30 Apr. 2023.

Duke, Adam. “Nardin Community Holds March around Neighborhood.” *WIVB.com*, 1 May 2023.

Sommer, Mark. “‘Nardin is Such an Important Part of Our Lives’: Amid Turmoil, Some Worry about School’s Future.” *The Buffalo News*. 3 May 2023.

Sommer, Mark. “Nardin President Will Step Down at the End of June; 9 Board Members to Resign.” *The Buffalo News*. 4 May 2023.

Sommer, Mark. “Nardin Statement Says an Assessment Has Exonerated Its Departing President.” *The Buffalo News*. 5 May 2023.

Sommer, Mark. “Nardin Academy Board of Trustees Removed; New Leadership to be Named.” *The Buffalo News*. 29 May 2023.

Sommer, Mark. “‘I was a Diversion’: Nardin President says she was unfairly villainized.” *The Buffalo News*. 17 Sep 2023.

11. Regarding Ms. Forton-Barnes specifically, Plaintiff insufficiently alleges a single cause of action for defamation. [Docket #58 ¶¶ 361-366].

12. Plaintiff alleges that Ms. Forton-Barnes's statements "were false at the time they were made, and Defendant knew they were false." [Docket #58 ¶ 363].

13. Nardin Together has no official affiliation with Nardin. Nardin Together is a community group that describes itself as "a diverse group of parents, alumni, faculty, and benefactors who have come together to uphold the values of Nardin and the founding principles of the Daughters of the Heart of Mary." (nardintogether.com). The Nardin Together Facebook Group was created on April 24, 2023, proof of which is attached as **Exhibit 2**.

14. Plaintiff's Amended Complaint makes various allegations that are not supported by fact. Although improperly pled, regarding any allegation that Ms. Forton-Barnes made statements indicating that Plaintiff engaged in improper research within her dissertation, Plaintiff's Amended Complaint states that Ms. Forton-Barnes "illegally distributed" Plaintiff's "embargoed dissertation." [Docket #58 ¶ 284]. This allegation is entirely unfounded, as Plaintiff's dissertation was readily disseminated by an employee of the American University Library who emailed the dissertation to a colleague of Ms. Forton-Barnes. A copy of the April 30, 2023 email correspondence is attached hereto and made a part here of as **Exhibit 3**<sup>2</sup>. The dissertation entitled "Belongingness, Well-Being & Self-Care: Disrupting an Academic Schedule in an All-Girls Catholic School" released by the American University Library is attached hereto and made a part hereof as **Exhibit 4**<sup>3</sup>.

---

<sup>2</sup> Portions of the email addresses are redacted to protect the privacy of the sender and recipient of the dissertation. An unredacted version has been provided to the Court as part of the courtesy copy submitted to chambers.

<sup>3</sup> The entire version of the dissertation has been provided to the Court as part of the courtesy copy submitted to chambers, but only those pages referenced in the motion are attached.

15. Not only does Plaintiff make various allegations that are not supported by fact, but Plaintiff specifically omitted parts of Defendant Ms. Therese Forton-Barnes's statements. For example, Plaintiff alleges that, "In or around April 28, 2023, Ms. Forton-Barnes stated on the Nardin Together public Facebook page that she was told that Dr. Betters 'absolutely got fired' from her previous job and that she 'made a deal with the school if she went "quietly" then they would not say she got fired.'" [Docket #58 ¶ 282]. The full statement is attached hereto and made part as **Exhibit 5**, where it can be seen that Plaintiff ignores the word "supposedly" which prefaces the statement and qualifies it as an opinion.

16. Plaintiff alleges that, "In or around May 13, 2023, Ms. Forton-Barnes also falsely stated on the Nardin Together public Facebook page that Dr. Betters' dissertation actually talks about how she wants to disrupt an all-girls [sic] Catholic school, and that 'excessive amounts of money has been spent on lawyers, PR firm, crisis management, HRBuffalo, private security for Sandra Betters, and hiring a social media firm that is Sandra Betters, best friend [sic]'" [Docket #58 ¶ 283]. Plaintiff's allegation is misleading, as she did not include the entire post by Ms. Forton-Barnes. In the post referenced, which is attached hereto and made part here as **Exhibit 6**, Ms. Forton-Barnes specifically stated, "I'm trying to count the number of reasons why this board should resign..." Given the entire context of the post, it is evident Ms. Forton-Barnes was expressing her pure opinion.

17. The seventh cause of action of Plaintiff's Amended Complaint should be dismissed as it is insufficiently plead and does not properly allege actual malice. Alternatively, the statements that were made were based in opinion or otherwise true.

**ARGUMENT**

18. For the reasons set forth in the accompanying Memorandum of Law, it is respectfully requested that Plaintiff's Amended Complaint be dismissed as it fails to state a claim upon which relief may be granted, together with such other and further relief as this Court deems necessary.

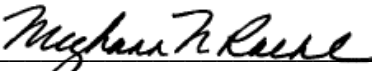
**CONCLUSION**

19. It is respectfully submitted that Defendant Ms. Forton-Barnes has established her entitlement to relief under Rule 12(b)(6) of the Federal Rules of Civil Procedure based on the Amended Complaint failing to state of claim upon which relief can be granted.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: Buffalo, New York  
February 1, 2024

**ROACH, BROWN, McCARTHY & GRUBER, P.C.**



Meghann N. Roehl, Esq.

*Attorneys for Defendant*

*Therese Forton-Barnes*

1920 Liberty Building

424 Main Street

Buffalo, New York 14202

Phone: 716-852-0400

Email: [mroehl@roachbrown.com](mailto:mroehl@roachbrown.com)